

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
URBANA DIVISION

IN RE:)	
IKO ROOFING SHINGLE)	
PRODUCTS LIABILITY LITIGATION)	MDL No. 2104
)	
THIS DOCUMENT RELATES TO)	
ALL ACTIONS)	

UNOPPOSED MOTION FOR LIMITED RELIEF FROM DISCOVERY STAY

MDL Plaintiffs by Jon D. Robinson of Bolen Robinson & Ellis, LLP moves the Court to lift the stay on discovery for the limited purpose described below:

1. On December 3, 2009, the U.S. Judicial Panel on Multidistrict Litigation transferred four pending actions to this Court (Chief Judge Michael McCuskey) for coordinated or consolidated proceedings as MDL No. 2104, In RE: IKO Roofing Shingle Product Liability Litigation.

2. On December 10, 2009, this court stayed all discovery proceedings in all actions until further order.

3. On December 21, 2009, two of the Plaintiffs' counsel in a case consolidated before this MDL received separate, anonymous voicemail messages. In both messages, a caller stated that he had been ordered to destroy IKO shingle documents and records at Square Deal Building Supply in Michigan. The caller further stated that he had brought this to the attention of others but had received no reply. The caller ended the message by stating that the telephone number for Square Deal Building Supply was 586-731-3670 and that the owner of Square Deal Building Supply was Vince Ciraulo. After receiving these anonymous voicemail messages, Plaintiffs' counsel investigated and corroborated the following facts:

A.) Square Deal Building Supply is located in Michigan and sells IKO shingles;

B.) The owner of Square Deal Building Supply is Vincenzo Ciraulo; and

C.) The telephone number for the headquarters location on the Square Deal Building Supply website is 586-731-3670.

4. To prevent the destruction of documents which may be relevant to this litigation, Plaintiffs request limited relief from the stay on discovery to allow issuance of a Subpoena Duces Tecum, directed to Vincenzo Ciraulo, c/o Square Deal Building Supplies, 767019 19 Mile Road, Sterling, MI 48314 for production and inspection any and all documents or things of which he or his company has possession, custody or control, and which are related to IKO Roofing Shingles or to this litigation, including but not limited to its inventory of shingles and communications (electronic or otherwise) relating to IKO Roofing Shingle products or this litigation.

5. Pursuant to local rule 37.3(A), counsel for Plaintiff has conferred with IKO's attorney Christopher M. Murphy of McDermott Will & Emery, and he is not opposed to issuance of this non-party subpoena, with the understanding that the return date for the subpoena will be 120 days after its issuance.

December 22, 2009

/s/ Jon D. Robinson

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CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2009, I caused to be electronically filed Unopposed Motion For Limited Relief From Discovery Stay with the Clerk of Court using the CM/ECF system that will send notification of such filing(s) to the following:

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and I hereby certify that on December 22, 2009, I mailed by United States Postal Service, the document(s) to the following non-registered participants:

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